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11 Attorneys for Defendant,
12 DOUGLAS MacMARTIN fka DOUGLAS
13 MacMYNOWSKI

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15 IN THE UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF CALIFORNIA

17
18 DANE WIGINGTON dba
19 GEOENGINEERING WATCH,

20 Plaintiff,

21 vs.

22 DOUGLAS MacMARTIN fka
23 DOUGLAS MacMYNOWSKI; and
24 DOES 1-10, inclusive.

25 Defendant.

26 Case No.: 2:21-cv-02355-KJM-DMC

27
28 **STIPULATION AND ORDER TO
CONTINUE BRIEFING SCHEDULE
ON DEFENDANT'S MOTION FOR
ATTORNEYS' FEES AND COSTS**

29
30 Complaint filed: November 5, 2021
31 Removal Date: December 17, 2021

32 Pursuant to Rules 143 and 144 of the Local Rules for the United States
33 District Court for the Eastern District of California, Plaintiff Dane Wigington d/b/a
34 Geoengineering Watch ("Plaintiff") and Defendant Douglas MacMartin f/k/a
35 Douglas MacMynowski ("Defendant") (collectively, the "Parties"), by and through
36 their respective undersigned counsel, stipulate with reference to the following facts:

37 1. On January 24, 2022, Defendant filed a Motion to Dismiss Plaintiff's
38 Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(2) and 12(b)(6) and a

1 Motion to Strike Plaintiff's Complaint Pursuant to California Code of Civil
2 Procedure Section 425.16 (collectively, the "Motions") (ECF Nos. 7, 10);

3 2. On March 18, 2022, Plaintiff filed an Opposition to the Motions (ECF
4 No. 16);

5 3. On April 8, 2022, Defendant filed a Reply in further support of the
6 Motions (ECF No. 19);

7 4. On September 1, 2022, the Court entered an Order granting the
8 Motions and awarding attorneys' fees and costs to Defendant (the "September 1,
9 2022 Order");

10 5. The September 1, 2022, Order directed that Defendant may file a
11 motion in support of his requests for an award of attorneys' fees and costs ("Fee
12 Motion") within twenty-one (21) days of issuance thereof, and afforded Defendant
13 an opportunity to respond to the Fee Motion no later than fourteen (14) days
14 following the filing of the Fee Motion;

15 6. The Parties have reached an agreement in principle, including the
16 amount of attorneys' fees and costs to be awarded to the Defendant, and intend to
17 memorialize their agreement in a long-form agreement shortly;

18 7. The Parties believe that a brief continuance of their respective briefing
19 deadlines in connection with the Fee Motion is in the interest of judicial economy
20 and is warranted to allow the Parties to devote their attention and resources to
21 memorializing an agreement as to the stipulation of attorneys' fees and costs, so as
22 to potentially obviate the need for motion practice on the Fee Motion; and

23 8. This is the Parties' first request for a continuance of the briefing
24 schedule on the Fee Motion.

25 NOW, THEREFORE, the Parties stipulate to continue the briefing deadlines
26 on the Fee Motion, as follows:

27 1. Defendant's deadline to file the Fee Motion shall be continued from
28 September 21, 2022 to October 5, 2022.

1 2. Plaintiff's deadline to file an opposition to the Fee Motion shall be
2 continued to the date fourteen (14) days from Plaintiff's filing of the Fee Motion.

4 | Dated: September 20, 2022

COZEN O'CONNOR

By: /s/ Matthew E. Lewitz

Matthew E. Lewitz

Alexander E. Robinson

Atorneys for Defendant Douglas

MacMartin

Dated: September 21, 2022

SAMUEL C. WILLIAMS, ESQ.

By: \s\Samuel C. Williams

Samuel C. Williams

Attorney for Plaintiff Dane Wigington

ORDER

The Court GRANTS the Parties stipulate to continue the briefing deadlines on the Fee Motion, as follows:

1. Defendant's deadline to file the Fee Motion shall be continued from September 21, 2022 to October 5, 2022.
2. Plaintiff's deadline to file an opposition to the Fee Motion shall be continued to the date fourteen (14) days from Plaintiff's filing of the Fee Motion.

IT IS SO ORDERED.

DATED: September 28, 2022.

CHIEF UNITED STATES DISTRICT JUDGE

**STIPULATION AND ORDER TO CONTINUE BRIEFING SCHEDULE ON
DEFENDANT'S MOTION FOR ATTORNEYS' FEES AND COSTS**